

### REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicants regard as the invention.

Claims 1 and 4 have been amended.

Claims 1, 3-5, and 7-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Higuchi et al. (U.S. Pub. No. 2003/0050050 A1). Claims 1 and 4 have been amended. For at least the following reasons, the Examiner's rejection is respectfully traversed.

Higuchi does not disclose or teach "wherein the accessing process sequence setting unit determines whether to stop acquiring data from the accessed set site when the own apparatus accepts an interrupt request related to other use, while data is acquired from the accessed set site in the data acquiring process sequence" as recited in claim 1.

Higuchi describes a download process of the controller 36 in Fig. 7. As shown in Fig. 7, Higuchi discloses that the download environment must first satisfy the downloadable condition in step S25 before a download process for downloading data is executed in step S27 (para. 75-78). In Higuchi, the download process of step S27 of actually downloading data from the accessed server is shown in Figs. 8-11. Thus, the Higuchi phone *does not even access the server* until step S27 of Fig. 7.

Although Higuchi discloses acquiring data from an accessed server in Figs. 8-10, Higuchi does not disclose or teach determining whether to stop acquiring data from the accessed server when the phone accepts an interrupt request related to other use while data is acquired from the accessed server. Therefore, Higuchi fails to disclose or teach an accessing processing sequence setting unit that determines whether to stop acquiring data from the accessed set site when the own apparatus accepts an interrupt request related to other use,

while data is acquired from the accessed site in the data acquiring process sequence as in the claimed invention.

With regards to amended claim 4, Higuchi does not disclose or suggest “wherein the accessing process sequence setting unit determines whether to stop acquiring data from the set site when an access operation to the set site is commenced in the access starting process sequence, while the own apparatus is under use since the own apparatus executes another task related to other use.”

As mentioned previously for claim 1, Higuchi describes a download process of the controller 36 in Fig. 7. As shown in Fig. 7, Higuchi discloses that the download environment must first satisfy the downloadable condition in step S25 before a download process for downloading data is executed in step S27 (para. 75-78). The download condition in Higuchi is the radio wave condition, the vacant capacity, or the remaining amount of the battery (para. 72-74). In Higuchi, the download process of step S27 of actually downloading data from the accessed server is shown in Figs. 8-11.


Although Higuchi discloses a download process of the phone controller and a download process for actually downloading data from an accessed server, Higuchi does not teach what occurs when the phone is under use due to the phone executing another task. Thus, Higuchi fails to disclose or teach determining whether to stop acquiring data from the set site when an access operation to the set site is commenced in the access starting process sequence, while the phone is under use since the phone executes another task related to other use. Therefore, Higuchi does not disclose or teach all the elements of the claimed invention.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a

telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 38318.

Respectfully submitted,  
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